

REMARKS

Claims 1 to 9 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. It is asserted that "The claim(s) contains subject matter which was not described in the specification in such as way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites a 'single blanket of resilient fibrous insulation having no folds therein.' However, there is no support for a single blanket of resilient fibrous insulation having no folds therein in the specification. Negative limitations are not allowed in the claim unless expressly set forth in the specification. Ex parte Grasselli, 231 USPQ 393. The specification does not indicate that the fibrous layer cannot have folds."

The specification and the drawings of the subject patent application both indicate that the fibrous layer does not and cannot have folds. The written description from page 5, line 22 to page 6, line 18 clearly indicates that the fibrous layer cannot have folds. More specifically, on page 6, lines 3 to 7, it is clearly stated "Figure 5 schematically shows a series 50 of blanket sections that have been cut longitudinally in the cutting station 28 to widths equal to the thickness of the resilient fibrous insulation batts 20 and transversely in the cutting station 30 to lengths equal to the lengths of the resilient fibrous insulation batts 20 to form a plurality of resilient fibrous insulation batts 20, such as the insulation batt 20 of FIG. 6." The specification clearly states that the blanket sections 50 are cut in the cutting station 28 to widths equal to the thickness of the resilient fibrous insulation batts 20. With the blanket sections 50 each cut to a width that equals the thickness of the resilient fibrous insulation batt 20 formed from the blanket sections 50, the blanket sections 50 cannot be folded and still be formed into a resilient fibrous insulation batt 20 that has a thickness equal to the width of the blanket sections 50.

While there is a literal basis in the specification for the negative limitation of claim 1, the MPEP further states: "Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a prima facie case for lack of descriptive support. Ex parte Parks, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993)." Since, as pointed out above, the specification clearly supports the negative

limitation in claim 1 and depending claims 2 to 9 and the drawings further support the negative limitation in claim 1 and depending claims 2 to 9, the withdrawal of the rejection of claim 1 for failing to comply with 35 U.S.C. 112, first paragraph, is solicited.

The resilient fibrous insulation batt of the subject invention consists essentially of a single blanket of resilient fibrous insulation having no folds therein. The blanket has a length, a width and a thickness. The length of the blanket is a longest dimension of the blanket; the thickness of the blanket is a shortest dimension of the blanket; and the width of the blanket is a dimension of the blanket intermediate the length and the thickness of the blanket in magnitude. The blanket has first and second major surfaces that, with respect to each other, lie in substantially parallel planes and that each extend the length and width of the blanket. The blanket has first and second lateral surfaces that, with respect to each other, lie in substantially parallel planes, that extend for the length of the blanket, and that extend between the major surfaces of the blanket. The blanket has first and second end surfaces that, with respect to each other, lie in substantially parallel planes, that extend the width of the blanket, and that extend between the major surfaces of the blanket. The fibers of the blanket are randomly oriented and entangled together and predominately lie in planes that extend substantially perpendicular to the planes of the major surfaces and the end surfaces of the blanket and substantially parallel to the planes of the lateral surfaces of the blanket to facilitate a widthwise compression of the blanket.

Claims 1, 2, 4, and 5 have been rejected under 35 U.S.C. 102(b) as being anticipated by Brandt et al (WO 94/16162).

Brandt et al disclose a mineral fiber insulating web wherein a first mineral fiber web with fibers arranged in the generally longitudinal direction of the first mineral fiber web is moved in the longitudinal direction of the web and folded transversely relative to the longitudinal direction and parallel to the transverse direction of the first mineral fiber web, so as to produce a second mineral fiber web containing mineral fibers arranged generally perpendicular to the longitudinal and transverse directions. Whether the second mineral fiber web is uncut as shown in Figure 7 or cut and rejoined as shown in Figure 8, the fibers of the web retain their generally perpendicular orientation to the longitudinal and transverse directions of the second mineral web so that the fibers are not oriented generally perpendicular to the planes of the ends of the web. Unlike the second mineral fiber web of Brandt et al, the fibers of the blanket 20 of the subject invention, as defined in claim 1, are randomly oriented and entangled together and

predominately lie in planes that extend substantially perpendicular to the planes of the major surfaces and the planes of the end surfaces of the blanket and substantially parallel to the planes of the lateral surfaces of the blanket to facilitate a widthwise compression of the blanket. Thus, Brandt et al neither disclose nor suggest the resilient fibrous insulation batt 20 of the subject invention.

In Figures 7 and 9, Brandt et al disclose a mineral fiber insulating web that is formed by a series of insulating web sections that are folded back and forth upon each other, transversely to the length of the insulating web, and bonded together to orient the fibers generally perpendicular to the first longitudinal direction and transverse directions of insulating web thus formed. Unlike the insulating web of Figures 7 and 9 of Brandt et al, the resilient fibrous insulation batt of the subject invention is made of a single blanket of fibrous insulation that has no folds therein and this further distinguishes the batt 20 of the subject invention from mineral fiber insulating web Brandt et al shown in Figures 7 and 9. Without being folded, the fibers of the blanket of the subject invention are randomly oriented and entangled together and predominately lie in planes that extend substantially perpendicular to the planes of the major surfaces and the end surfaces of the blanket and substantially parallel to the planes of the lateral surfaces of the blanket to facilitate a widthwise compression of the blanket. Such a structure is neither shown nor suggested by the web of Figures 7 and 9 of Brandt et al where the fibers are not oriented to be generally perpendicular to the planes of the end surfaces of the mineral fiber web.

As discussed above in Figure 8, the second mineral fiber web of Brandt et al is cut along the lines shown in Figure 9 to separate the folds, the folds are compacted, and the folds are rejoined to the central core. While this eliminates the folds and adds surface layers, the fibers of web in the core are still oriented to be generally perpendicular to the longitudinal and transverse directions of the second mineral fiber web and not generally perpendicular to the planes of the end surfaces of the second mineral fiber web.

For the reasons set forth above, claims 1, 2, 4 and 5, Brandt et al neither disclose nor suggest the batt 20 of the subject invention as set forth in claim 1 and claims 1, 2, 4 and 5 patentably distinguish the resilient fibrous insulation batt of the subject invention over Brandt et al. Accordingly, the withdrawal of the rejection of claims 1, 2, 4 and 5 under 35 U.S.C. 102(b) as being anticipated by Brandt et al and the allowance of claims 1, 2, 4 and 5 is solicited.

Claims 3 and 6 to 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al. in view of Michelsen (U.S. Patent No. 5,765,318).

Brandt et al disclose a mineral fiber insulating web that is formed by a series of insulating web sections that are folded back and forth upon each other, transversely to the length of the insulating web, and bonded together to orient the fibers generally perpendicular to the first longitudinal direction and transverse directions of insulating web thus formed. While, Michelsen discloses that a fibrous nonwoven insulation may be made from glass fibers and polymeric fibers and that the fibers of the insulation may be held together by entanglement, Michelsen does not otherwise supplement the disclosure of Brandt et al. Accordingly, claims 3 and 6 to 9 are patentable for the same reasons discussed above in connection with the rejection of claims 1, 2, 4 and 5 and the withdrawal of the rejection of claims 3 and 6 to 9 under 35 U.S.C. 103(a) as being unpatentable over by Brandt et al in view of Michelsen is requested and the allowance of claims 3 and 6 to 9 is solicited.

Respectfully submitted,



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